

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 08-10337-RGS

UNITED STATES OF AMERICA

v.

BALDWIN IHENACHO, GLADYS IHENACHO,
ANDREW BERKE, et al.

ORDER OF CONTINUANCE AND EXCLUDABLE DELAY

May 2, 2011

STEARNS, D.J.

Upon consideration of the assented-to motion seeking a continuance and an order of excludable delay, the court finds as follows:

1. At an interim status conference on February 15, 2011, the court ordered the defendants to file any pretrial motions in this case by March 11, 2011. The court entered an Order, pursuant to 18 U.S.C. § 3161(h)(7)(A), excluding from the speedy trial computation the period from February 8, 2011 to April 4, 2011.

2. A continuance of this proceeding from April 4, 2011 through and including the date that the motions currently pending are resolved is necessary to ensure that counsel for the defendants and the defendants have sufficient time to review discovery and to investigate the evidence. I find, given the specific circumstances in this case, that this continuance constitutes “the reasonable time necessary for effective preparation, taking

into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv) and Section 5(B)(7)(c)(iv) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts. Further, I also find that a continuance is appropriate under 18 U.S.C. §§ 3161(h)(l)(D) and 3161(h)(l)(H), as certain pretrial motions relating to the defendants have been taken under advisement or are currently pending disposition.

3. The ends of justice served by granting the requested continuance, and excluding the time period from April 4, 2011 through and including the date on which the currently pending motions are resolved by the court from the speedy trial clock, outweigh the best interests of the public and the defendant in a speedy trial pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(l)(D), 3161(h)(l)(H), 3161(h)(7)(A) and 3161 (h)(7)(B)(iv), and Section 5(b)(7)(C)(iv) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts.

Accordingly, the court hereby grants the government’s assented-to motion and ORDERS that, pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(l)(D), 3161(h)(l)(H), 3161(h)(7)(A), and 3161 (h)(7)(B)(iv), and Sections 5(b)(7)(A), 5(b)(7)(B), and 5(b)(7)(C)(iv) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts, (1) the date on

which the trial must commence is continued; and (2) the period from April 4,2011 through and including the date on which the currently pending motions are resolved by the court is excluded from the speedy trial clock and from the time within which the trial of the offenses charged in the indictment must commence.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE